

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARBY BAILEY,)	CASE NO. 1:06CV1028
)	
Movant,)	
)	
vs.)	Judge John M. Manos
)	
UNITED STATES OF AMERICA.)	
)	
Respondent.)	<u>ORDER</u>

On June 14, 2000, Darby Bailey, Petitioner, was sentenced to fifty-seven (57) months imprisonment, with three (3) years of supervised release after entering a plea of guilty to two (2) counts of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

On July 22, 2004, Bailey's period of incarceration ended and his period of supervised release began. On April 26, 2006, he filed the current motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. (Docket No. 1.) However, he is not requesting the Court to vacate, set aside, or correct his sentence, nor does he allege the denial of a constitutional right. Rather, he is seeking early termination of his supervised release. Thus, relief under 28 U.S.C. § 2255 is inappropriate.

Accordingly, the motion (Docket No. 1) is **DENIED** and this civil case is hereby **DISMISSED**. The Court certifies that an appeal cannot be taken in good faith because Bailey has not made a substantial showing of the denial of a constitutional right. See Federal Rule of Appellate Procedure 22(b); 28 U.S.C. § 2253(c). The Court also certifies that a motion to proceed *in forma pauperis* on appeal cannot be well taken. See 28 U.S.C. § 1915(a)(3).

If Bailey wishes the Court to evaluate a motion for early termination of his supervised release, he must file with the Clerk's Office a Rule 32.1(c) Motion for Early Termination of Supervised Release, pursuant to 18 U.S.C. § 3583(e)(1), under his original criminal case number 1:99CR280 and state in the motion the reasons why such relief should be granted.

IT IS SO ORDERED.

Date: June 15, 2006

/s/ John M. Manos
UNITED STATES DISTRICT JUDGE